IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 725

CAPITOL HILL SOUTHEAST CITIZENS ASSOCIATION, *Petitioner*,

v.

SAMUEL M. SELDEN, et al., THEODORE L. COE, et al., and THE WASHINGTON TERMINAL CO., INC., et al., *Respondents*.

REPLY TO BRIEF OF RESPONDENT IN OPPOSITION

Petitioner respectfully files this, its reply, to the brief in opposition filed herein by respondents Theodore L. Coe, et al.

RESPONDENT'S COUNTER-STATEMENT OF THE FACTS

The respondent misstates the case carefully concealing the fact that the Board of Zoning Adjustment was influenced by an offer to the then Sergeant at Arms of the House of Representatives of something of great value in money's worth conditioned upon the Board's granting this illegal parking lot exception.

The misstatement of the case by respondent is understandable since even a casual mention of the facts would be an admission of gross misconduct.

ARGUMENT

Respondent attempts to brush aside this whole serious question of misconduct by saying that "no question of general importance is involved" in this matter.

It is respectfully urged by the petitioner that this case does in fact present a most serious issue of "general importance" and, indeed, a serious issue of greatest national concern.

It is respectfully submitted by the petitioner that unless this honorable Court hears and determines this matter, hereafter unscrupulous persons desiring improperly to obtain Government favor or the people's property will follow this "noxious precedent." (The term "noxious precedent", as used here, was used by the District Court below in the instant case.)

Analysis of Authorities

Respondent cites four cases which it says support its contention that the Supreme Court does not "ordinarily" review decisions of the United States Court of Appeals for the District of Columbia Circuit based upon statutes limiting their operation to the District of Columbia. None of the cited cases deals with influencing or corrupting Government officials. Three of these cases were in fact reviewed by this honorable Court, thus proving the respondent in error. The fourth case was before this Court on a certificate from the Court of Appeals and has no application here.

This honorable Court has heretofore considered and decided matters relating to influencing Government officials:

In *Pan American Petroleum and Transport Company, et al.* v. *United States,* 273 U. S. 456, a case involving misconduct of public officials, namely, one of the cases growing out of the Teapot Dome scandals, this honorable Court said:

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"* * * The whole transaction was tainted with corruption. It was not necessary to show that the money transaction between Doheny and Fall constituted bribery as defined in the Criminal Code or that Fall was financially interested in the transaction or that the United States suffered or was liable to suffer any financial loss or disadvantage as a result of the contracts and leases. It is enough that these companies sought and corruptly obtained Fall's dominating influence in furtherance of the venture. It is clear that, at the instance of Doheny, Fall so favored the making of these contracts and leases that it was impossible for him loyally or faithfully to serve the interests of the United States. * * *"

In the *Pan American* case, *supra*, the District Court said:

"* * * Neither of the men who participated in this extraordinary transfer of money have given this court an opportunity to hear his version of this incident from the witness stand, and the record which they have written elsewhere concerning it, and its correlated events, spell conspiracy."

It is respectfully urged that the respondents in the instant case should have made some attempt to answer the serious questions of misconduct presented in the petition. Their silence is a tacit admission of wrongdoing.

CONCLUSION

It is respectfully urged that this honorable Court hear and determine the issues raised in the petition.

Respectfully submitted,

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